

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KAITLIN KRAUSE,

Plaintiff,

- against -

MERRILL LYNCH, PIERCE, FENNER & SMITH,  
INCORPORATED, MERRILL LYNCH & CO., INC., and  
BANK OF AMERICA CORPORATION,

Defendants.

10 CV 2603 (RMB)(JLC)

**Affirmation of Kevin B. Leblang  
In Support of Defendants' Motion  
for Summary Judgment**

**KEVIN B. LEBLANG**, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am an attorney admitted to the Bar of this Court and am a Partner at the law firm of Kramer Levin Naftalis & Frankel LLP, counsel to Defendants Merrill Lynch, Pierce, Fenner & Smith Incorporated, Merrill Lynch & Co. Inc. and Bank of America Corporation ("Merrill") in this action. I respectfully submit this affidavit in support of Defendants' ("Merrill," the "Firm" or "Defendants") motion for summary judgment.

2. Attached hereto are excerpts from the transcript of the deposition of Kaitlin Krause taken September 15 and October 15, 2010.

3. Attached hereto are excerpts from the transcript of the deposition of Benjamin Samuels taken September 10, 2010.

4. Attached hereto are excerpts from the transcript of the deposition of Robert Lamprecht taken August 31, 2010.

5. Attached hereto are excerpts from the transcript of the deposition of Samuel Kim taken September 13, 2010.

6. A true and correct copy of the Complaint filed in this action dated March 23, 2010 is attached hereto as Exhibit A.

7. A true and correct copy of Plaintiff's Compensation History is attached hereto as Exhibit B.

8. A true and correct copy of Plaintiff's Form U4 is attached hereto as Exhibit C.

9. A true and correct copy of Plaintiff's 2007 Performance Management form is attached hereto as Exhibit D.

10. A true and correct copy of Plaintiff's 2008 Performance Management form is attached hereto as Exhibit E.

11. A true and correct copy of Plaintiff's offer letter dated January 4, 2007 is attached hereto as Exhibit F.

12. A true and correct copy of Merrill's "A Matter of Respect" policy is attached hereto as Exhibit G.

13. A true and correct copy of Merrill's "Equal Employment Opportunity" policy is attached hereto as Exhibit H.

14. A true and correct copy of Plaintiff's training course transcript is attached hereto as Exhibit I.

15. A true and correct copy of the investigation report drafted by Orrick Herrington & Sutcliffe LLP is attached hereto as Exhibit J.

16. A true and correct copy of Kenneth Kim's Form U4 Criminal Disclosure Reporting Page is attached hereto as Exhibit K.

17. A true and correct copy of Kenneth Kim's Form U5 is attached hereto as Exhibit L.

18. A true and correct copy of the Verified Complaint in the lawsuit *Jane Doe v. Kenneth Kim* is attached hereto as Exhibit M.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 21 day of December, 2010 in New York, New York.



Kevin B. Leblang